

## MYSORE LAND REVENUE (AMENDMENT) BILL, 1969 INTRODUCTION

SRI H. V. KOUJALGI (Minister for Revenue) :—Sir, I beg to introduce :

“ The Mysore Land Revenue (Amendment) :—Bill, 1969 ”

Mr. Deputy Speaker :—The Bill is introduced.

## MYSORE LEGISLATURE SALARIES (AMENDMENT) BILL, 1970

### *Introduction*

MR. DEPUTY SPEAKER : Next introduction of the Mysore Legislature Salaries (Amendment) Bill, 1970.

† Sri M. NAGAPPA (RAICHUR) :—I am on a point of order. The Mysore Legislature Salaries (Amendment) Bill, 1970, cannot be introduced in the manner it is being introduced before this House now because in Clause 3 of the Bill “Deputy Chief Whip” has been defined. In fact, the post of the “Deputy Chief Whip” is a creation by the Government and the power is invested with the Government to create such a post. Therefore, provision for such post and payment of salary for it cannot be done by way of amendment to the Mysore Legislature Salaries (Amendment) Bill. The Mysore Legislature Salaries Bill will come within the competence of this House only under certain provision of the Constitution. First of all, the principal Act comes under Article 195 and 186 of the Constitution. Art. 195 says.

“ Members of the Legislative Assembly and the Legislative Council of a State shall be entitled to receive such salaries and allowances as may from time to time be determined by the Legislature of the State by law and, until provision in that respect is so made, salaries and allowances at such rates and upon such conditions as were immediately before the commencement of this Constitution applicable in the case of members of the Legislative Assembly of the corresponding Province. ”

This must be read with Art. 186.

MR. DEPUTY SPEAKER :—It is not proper to refer to all that at the stage of introduction.

SRI M. NAGAPPA :—I am on a point of order that the Bill cannot be introduced. It will not come within the competence of this House. I want the Chair to give a proper and considered ruling on my point of order. This is not a matter to be left to the vote of the House. I have raised this point of order under Rule 311 of the Rules of Procedure. I will quote that Rule. This Bill is against the provisions of the Constitution.

MR. DEPUTY SPEAKER :—To introduce a Bill, we have to observe certain formalities and all those formalities have been observed. This Bill has been published in the Gazette. It has Governor's recommendation.

SRI M. NAGAPPA :—Please bear with me. I shall be able to convince the House about my point. I am taking objection under Rule 311 which reads.

“ A point of order shall relate to the interpretation or enforcement of these rules or such articles of the Constitution as regulate the business of the Assembly and shall raise a question which is within the cognizance of the Speaker. ”

Therefore, I want an interpretation whether such a Bill can be introduced on the floor of this House,

Now I want to refer to Art. 186 which reads thus:

“ There shall be paid to the Speaker and the Deputy Speaker of the Legislative Assembly and to the Chairman and the Deputy Chairman of the Legislative Council, such salaries and allowances as may be respectively fixed by the Legislature of the State by law and, until provision in that behalf is so made, such salaries and allowances as are specified in the Second Schedule. ”

In the II and VII Schedule items 8 and 38 respectively relate to the salaries and allowances of the Speaker, the Deputy Speaker, the Chairman and Deputy Chairman of the Legislative Council and the members of the Legislature of the state: Therefore, the salaries and allowances of the Speaker, the Deputy Speaker and the members of this House have been created under the Constitution and a right for those salaries has been created and specified under the constitution. The posts of the Speaker and the Deputy Speaker are provided under the Constitution; their functions and duties are laid down under the Constitution; But this post of “Deputy Chief whip” is the creation of Government; it has no basis under the provisions of the Constitution. The Government may bring it in a different Bill in a different form.

(Sri. M. NAGAPPA)

But the creation of the post of Deputy Chief Whip and his salaries cannot be part and parcel of the Mysore Legislature (Amendment) Bill. This does not come under item 33 of the Seventh Schedule which speaks of only:

“Salaries and allowances of members of the Legislature of the State, of the Speaker and Deputy Speaker of the Legislative Assembly and if there is a Legislative Council, of the Chairman and Deputy Chairman thereof”

There is a similar provision with respect to the salaries and allowances of Ministers, in the Constitution.

Art. 164(5) which relates to it reads as follows:

“The Salaries and allowances of Ministers shall be such as the Legislature of the State may from time to time by law determine and, until the Legislature of the State so determines, shall be specified in the Second Schedule”

So, there are two different provisions: one for the Speaker and the Deputy Speaker and members of the Legislature in the VII Schedule and two, for the Ministers under Art. 164. This particular Bill that is being amended has to come under Sl. No. 33 (VII Schedule) under Articles 186 and 19. This “Deputy Chief Whip” is being defined under the Act itself. His powers, functions and duties are defined now here even in this Bill and it is sheer waste of money. Apart from it this House has no competency to provide for such amendment in this particular Bill. If Government brings a separate Bill, I do not mind. But this cannot be an amendment to the Mysore Legislature Salaries (Amendment) Bill, 1970.

Therefore my point of order may be upheld. So the Hon. Minister cannot be permitted to introduce this Bills. let Government bring the measure under a different shape and form and under a different category of the Constitution.

† SRI D. B. KALAMANKAR:—(Aland)—I submit that under rule 71 of the Rules of procedure even at the stage of introduction we can raise this point. Under Constitution, provision is made for Speaker, Deputy Speaker, Members, Ministers and the Chief Minister of this House. All these particulars are to be found in articles 164, 186 and 195 and the Schedules thereunder. But these new posts of Deputy Chief Whips one for the Assembly and one for the Council which are sought to be created under this Bill are nowhere to be found in the Constitution and so any amendment of the Mysore Legislature Salaries Act to this effect will be *ultra vires* the provisions of the Constitution. So my submission is that this amendment to the Act cannot be introduced in the present

form. Let Government take a decision after full consideration of the whole matter. So it is better that the matter is deferred to a later date. Otherwise it will raise constitutional matters and ultimately the provision may be held *ultra vires*.

4-00 P. M

SRI M. NAGAPPA:—Sir, I missed one point in the course of my objection and that is that in the definition of the term Council of Ministers' these words 'Deputy Chief whips' are not to be found. It includes only Ministers, Deputy Ministers and Parliamentary Secretaries.

SRI B. P. GANGADHARI:—Sir, two points have to be considered here. You were pleased to State that there cannot be any objection at the stage of introduction and if at all it can arise only at a later stage. But my submission is that for anything to be introduced in this House it must be a legal matter that can be justified in law and the Constitution of India. The Constitutional provision must be very carefully perused. If there is provision for that in the Constitution then the creation of these posts will be justified, but if there is no such provision in the Constitution, then these posts cannot be created. The other question that will arise is what about Whips and Deputy Whips of the Opposition parties. The absence of provision in the Constitution for these posts of Whips goes to show that the framers of the Constitution purposely and wantonly left out this and did not want such a provision to be incorporated in the Constitution. It is not that they were unable to understand the functions discharged by the Whips because even before the framing of the Constitution we were having the Central Legislature where Whips were functioning. In spite of that, the framers of the Constitution have left it out intentionally. Therefore this provision is not Constitutionally sustainable in law and such a provision cannot be upheld here.

SRI H. SIDDAVEERAPPA (Harihara):—I have to oppose the introduction of this Bill for a variety of reasons. This Bill has been brought forward to help the Ruling Party to create the posts of Deputy Chief Whips. I say this with a sense of responsibility. As you are aware, this House was seized of a measure with regard to the recognition that will have to be given to the Opposition Leader. A Committee was constituted of which the Minister for Parliamentary Affairs was the Chairman and that Committee was seized of this matter. The matter was discussed threadbare there and it was said there that the matter will have to come up before the House.

When such is the position, I would like to know whether in a democracy without opposition only one party can think of running the Government in a democratic manner. If at all, if there is any need for

(SRI H. SIDDHABERAPPA)

a Whip, or Deputy Whip, it is more in favour of the Opposition where the work is more strenuous. Therefore I submit that this Bill is nothing but a creation of two new posts. Apart from the constitutional objection that has been taken by my learned friend what he has stated perfectly correct I really admire the audacity of this Government to come forward with a Bill of this nature for creating two posts at a time when in the country there is famine and when money is needed even for small things. It looks as though when Rome was burning Nero was fiddling. After all though the amount involved is not much, the principle involved and the idea behind it, in my opinion, reprehensible. The way in which they have been trying to do is nothing but to strengthen their party and their group. This is a measure which should not be allowed and it should be condemned from all hands. I therefore oppose the very introduction of this Bill. It is stated that in Madras some decision was taken in September 1969 and there are many more decisions like this. In the Speakers' Conference a number of decisions were taken with regard to the recognition of the Opposition. These people are not interested on this Side of the House. They are interested on their Side only. If they want to have money for their own purpose, then by a general rule they can say: "we are going to arrogate all the funds of Mysore State whether there is budget allotment or not". If this Bill goes before the country, I do not know how they could face the public. They may perhaps think, "it is something like a burning house, let us catch hold of as much as we can". At any rate their coming to power in 1972 is zero. They seem to feel, "make hay while the sun shines". I really think that such a thing cannot be countenanced on this Side of the House.

ಶ್ರೀ ಹೆ.ಆರ್. ಶಾಮಣ್ಣ:—ಈಗಾಗಲೇ ಅಶ್ವತ್ಥಕಟ್ಟೆಯಲ್ಲಿರುವಷ್ಟು ಜನ ಮಂತ್ರಿಗಳು ಇದ್ದಾರೆ. ಇವರಿಗೆ ಕೆಲಸವಿಲ್ಲ. ಮತ್ತೆ ಎರಡು ಪೋಸ್ಟ್‌ಗಳನ್ನು ಕ್ರೀಯೇಟ್ ಮಾಡುವುದಕ್ಕೆ ಹೊರಟಿದ್ದಾರೆ. ಈ ಜಿಲ್ಲೆಯ ಸಭೆಯಲ್ಲಿ ಮಂಡಿಸುವುದಕ್ಕೆ ಅವು ಅವಕಾಶ ಕೊಡಬಾರದು. ಈ ಕೆಲಸವನ್ನು ಬೇಕಾದರೆ ಉಪ ಮಂತ್ರಿಗಳೇ ಮಾಡಲಿ.

It is shameful to bring in such a legislation when we are discussing the scarcity conditions. It is very unfortunate. We strongly oppose it. It will be shameful to introduce such a Bill particularly under your chairmanship.

MR. DEPUTY SPEAKER:—I am guided by the Rules.

SRI T.R. SHAMANNA:—It is being done against the interests of the country.

SRI P. VENKATAGIRIAPPA:—In view of the opposition expressed, the Hon. Minister may make up his mind to withdraw the Bill.

ಶ್ರೀ ಟಿ. ಆರ್. ಶಾಮಣ್ಣ: ಮುಂದಿನ ಟರ್ಮನ ಹೊತ್ತಿಗೆ ತಾವು ಅಧಿಕಾರದಲ್ಲಿ ಇರುವುದಿಲ್ಲ- ಈ ಎರಡು ಹೊಸ ಪೋಸ್ಟ್‌ಗಳನ್ನು ಕ್ರಿಯೇಟ್ ಮಾಡಿ ತಾವು ಏತಕ್ಕೆ ಪಾಪ ಕಟ್ಟಿಕೊಳ್ಳುತ್ತೀರಿ? ಇದನ್ನು ಕೈ ಬಿಡುವುದು ಒಳ್ಳೆಯದೆಂದು ಹೇಳುತ್ತೇನೆ.

ಶ್ರೀ ಎನ್. ಹುಚ್ಚಮಾಸ್ತಿ ಗೌಡ:— ಸ್ವಾಮಿ, ಈ ಬಿಲ್ ಬಗ್ಗೆ ನಾನು ಒಂದೆರಡು ವಿಷಯಗಳನ್ನು ಹೇಳುತ್ತೇನೆ. ಆಲ್ - ಇಂಡಿಯಾ ವಿಪ ಕಾನ್‌ಫರೆನ್ಸ್‌ನಲ್ಲಿ ಅನೇಕ ನಿರ್ಣಯಗಳನ್ನು ಮಾಡುತ್ತಾ ಬಂದಿದ್ದಾರೆ. ಆದರಂತೆ ವಿಪ್‌ಗೆ ಉಪಮಂತ್ರಿಯವರ ಸ್ಟೇಟಸ್ ಕೊಡಬೇಕು ಎಂದು ನಿರ್ಣಯ ಮಾಡಿದ್ದಾರೆ. ಹಿಂದೆ ಇದೇ ಸಭೆಯಲ್ಲಿ ವಿರೋಧ ಪಕ್ಷದ ನಾಯಕರಿಗೆ ಮಂತ್ರಿಯವರಿಗೆ ಇರತಕ್ಕಂಥ ಸ್ಥಾನಮಾನ ಕೊಡಬೇಕೆಂಬ ಬಗ್ಗೆ ನಿರ್ಣಯ ಬಂದಾಗ ಮಾನ್ಯ ಸಿದ್ಧವೀರಪ್ಪನವರು ಸ್ಥಾನಮಾನದ ಬಗ್ಗೆ ಒಂದು ಸಮಿತಿಯನ್ನು ನೇಮಕ ಮಾಡುವುದು ಒಳ್ಳೆಯದು ಎಂದು ಹೇಳಿದ ಮೇಲೆ ಅದರಂತೆ ಒಂದು ಸಮಿತಿಯನ್ನು ರಚಿಸಲಾಯಿತು. ಆ ಸಮಿತಿಗೆ ಮಾನ್ಯ ಪಾರ್ಲಿಮೆಂಟರಿ ಮಂತ್ರಿಗಳೇ ಅಧ್ಯಕ್ಷರಾಗಿದ್ದಾರೆ. ಆ ಸಮಿತಿಯವರು ಅನೇಕ ಸಲ ಸಭೆ ಸೇರಿ ಚರ್ಚೆ ಮಾಡಿದ್ದಾರೆ. ಆದರೆ ಯಾವ ತೀರ್ಮಾನವನ್ನೂ ಸಹ ತೆಗೆದುಕೊಂಡಿಲ್ಲ. ಅವರು ಒಂದು ತೀರ್ಮಾನ ಕೈಕೊಳ್ಳುವವರೆಗೆ ಮಧ್ಯೆ ಮಧ್ಯೆ ಈ ತರಹದ ಬಿಲ್‌ಗಳನ್ನು ತರುವುದು ಸರಿಯಲ್ಲ. ಅದು ತೀರ್ಮಾನವಾಗುವವರೆಗೂ ಇದನ್ನು ತಡೆಹಿಡಿಯುವುದು ಒಳ್ಳೆಯದು ಈಗ ಈ ಬಿಲ್ ಮಂಡನೆ ಮಾಡುವುದಕ್ಕೆ ಸಮಯವಲ್ಲ, ಈ ರೀತಿ ಏನಾದರೂ ಮಂಡನೆ ಮಾಡಿದರೆ ಅದಕ್ಕೆ ನಮ್ಮ ಪ್ರತಿಭಟನೆ ಸಂಪೂರ್ಣವಾಗಿದೆಯೆಂದು ಹೇಳುವುದಕ್ಕೆ ನಾನು ಇಷ್ಟಪಡುತ್ತೇನೆ.

Sri H. V. KOUJALGI:—Sir, the Bill is in its introduction stage. All the arguments that have been advanced by the hon. Members will be relevant not at this stage but after the Bill is introduced and when it comes for discussion. Hon. Member Sri M. Nagappa stated that the Deputy Chief Whip is not considered either a Minister or Deputy Minister or Parliamentary Secretary. I would like to inform the hon. Member that "Deputy Chief Whip" is defined in the amendment Clause 2 itself.

Sri D. B. KALMANKAR:—Our contention is that the whole Bill itself is not in order. It does not come within the scope of the Mysore Legislature Salaries (Amendment) Bill.

Sri H. V. KOUJALGI:—The definition can be included in this amendment Bill, and if we go through such Bills which have been introduced and passed in other Legislatures, e.g., Maharashtra and other States, the same procedure has been followed and the same Bills have been passed. Even in Parliament, there are three Whips in Rajya Sabha and three in Lok Sabha and they are paid. Such a Bill has been passed in the Parliament also, no matter whether it is Congress (R) or Congress (O). It is the opinion of all parliamentary systems that these Whips should be more active and prompt and the business of the House should be carried on very quickly. So, they have been paid. Under the circumstances, I think it is a proper Bill and I may be permitted to introduce it.

Sri H. SIDDAVEERAPPA:—We have hardly one year and perhaps one Budget Session, and so where is the work either for the Chief Whip or for the Deputy Chief Whip? Why have you come at this late stage?

**SRI H. V. KOUJALGI :**—I beg to introduce the Mysore Legislature Salaries (Amendment) Bill, 1970 as published in the Mysore Gazette, dated 26th September 1970.

**SRI H. SIDDAVEERAPPA :**—They have given a very long financial memorandum, misleading the House. They have stated that the annual recurring expenditure in respect of the two posts of Deputy Chief Whips will be Rs. 9,600/- at the rate of Rs. 800/- per month. I presume that it is in addition to his salary as a Member of the House. In all it comes to more than Rs. 9,600/-. Therefore the Bill that has been brought here is not in proper form. Let the Government withdraw it and bring it in a proper form.

**MR. DEPUTY SPEAKER :**—The Mysore Legislature Salaries (Amendment) Bill, 1970 as published in the Mysore Gazette is introduced.

**SRI H. SIDDAVEERAPPA :**—Even if the Bill is introduced, you will have to take the vote of the House when we oppose it.

**MR. DEPUTY SPEAKER :**—The Bill is already published, When it is published it has to be introduced. Sri Nagappa raised objection on grounds of competency of the Legislature. The Legislature has got powers. Another objection raised is about the creation of post of Whips. But the posts of Whips are mentioned in the Constitution. A Bill of this type has already been passed previously by this House i.e., Parliamentary Secretaries Bill.

**SRI M. NAGAPPA :**—Bill relating to Ministers' Salary is different from the Bill relating to Members salary.

**MR. DEPUTY SPEAKER :**—In the Constitution the posts of Parliamentary Secretaries and Whips are not mentioned. Therefore, the constitutional objection raised by Sri Nagappa does not stand. There is no force in the point of order raised by Sri Nagappa.

**SRI K. H. PATIL :**—Can we take your ruling that no leave of the House is necessary by way of putting it to vote. When Sri Siddaveerappa opposed it, it has been said that leave is granted. Shall we take that leave is granted. It will be a healthy sign in the interest of the opposition.

**MR. DEPUTY SPEAKER :**—I request the Hon. Member to read rule Nos. 64 and 71. The Bill has already been published by the Speaker.

**Motion re : Scarcity Conditions in the State**

*Debate continued.*